

the Advisory Action which stated that applicant's arguments regarding the protective groups X and Y are always different appeared to the Examiner to be inconsistent with the statement in the specification which says that they can be identical. Specific reference was made to page 22 lines 18-20 of the specification.

In the response dated July 27, 2005 it was agreed that carboxylic acids and esters are easily interchangeable. However, the molecules that are recited in claims 1 and 4-8 have one carboxylic acid and one ester and it is not at all obvious how to create a molecule like these from molecules like Valli's. The Valli molecules contain two esters or two acids at all times of their syntheses. When the Valli et al molecules are in the di-ester form the esters are always identical. It is respectfully submitted that it is not obvious how to convert a molecule with two esters like that described in Valli et al into a molecule like the claimed one that has one ester and one acid. The reason for this is that any reaction that would hydrolyze esters to acids will convert both of Valli's esters into acids. If it were attempted to shorten the reaction time or to use less forcing conditions then a Valli molecule with two esters would be converted into a useless mixture of up to four compounds, the original di-ester, two mono-esters and a molecule with two acids. There is no obvious way to control which ester gets hydrolyzed. This is discussed in the response dated July 27, 2005.

As applicant's molecules require one free carboxylic acid and one ester, applicant employs a longer and more complex synthesis than that of Valli et al in which applicant always distinguishes the two carboxylic acids by protecting them with two different protecting groups. The protecting groups on applicant's carboxylic acids are always different.

In the most recent action dated August 12, 2005 the examiner states that applicant argued that the amine protective groups X and Y are always different in our compounds. This is incorrect, as the carboxylic acid protecting groups are always different in applicant's synthesis, not the amine protecting groups X and Y. In claim 1 the figure clearly shows X as an amine protecting group and that Y is an amine protecting group, part of R₅. These are almost always different groups. The quoted specification portion (page 22 lines 18-22) states "*Preferably, two different amine protecting groups will be used, but under certain conditions it may be desirable to use the same amine protecting groups in a given synthesis*". It will be appreciated that the carboxylic acid protecting groups must always be different in order to be able to distinguish them. This refers to group Z and group R₆ in the figure in claim 1. Also, as shown in the synthesis of figure 11; at no point in the synthesis are their two carboxylic acids protected as the same ester as they are in Valli et al.

For the foregoing reasons it is respectfully submitted that claims 1 and 4-8 are patentable. As the application would appear to be in proper form for the issuance of a Notice of Allowance, such action is respectfully requested at an early date.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Arnold B. Silverman', with a long horizontal flourish extending to the right.

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